



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

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Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Board of Supervisors
Through Michael Ortega, County Administrator

FROM: Michael Turisk, Interim Planning Director 
For: Carlos de la Torre, P. E., Community Development Director

SUBJECT: Docket MDP-08-01A/Z-08-04A (Copper Sky)

DATE: December 6, 2011 for the December 20, 2011 Board of Supervisors meeting

APPLICATION FOR EXTENSION OF A CONDITIONALLY APPROVED COMPREHENSIVE PLAN AMENDMENT (*COPPER SKY MASTER DEVELOPMENT PLAN*) AND REZONING

Description and Background

This is a request to extend the conditional approval granted by the Board of Supervisors in August of 2008 for the Copper Sky Master Development Plan (MDP), a phased, mixed-use project on 369 acres located approximately 3.5 miles west of the City of Douglas. The conditional approval of the MDP was accompanied by a rezoning of the project site from RU-4 to RU-2, General Business, and Residential zoning of various lot densities. The project is designed to be compact and "walkable" and would include approximately 1,340 residential units with a mix of housing types, including single-family residences, but with an emphasis on providing an array of multi-family options. School and fire station sites would be dedicated as well, and approximately 43 acres would remain RU-4 as open space. At the time of approval, full build-out of the Copper Sky project was projected for completion by 2024.

This request was triggered by a condition of approval that required the applicant to provide the Community Development Department with documentation of a development agreement for potable water and sanitary sewer services from the City of Douglas (or another provider) within three years from approval. In 2008, the City communicated intent to annex the site at an undetermined time, and the developer received a letter of intent to serve indicating provisions for water and hookup to the City's wastewater treatment facility. However, a formal development agreement remains to be executed. The condition prohibits permit issuance until provisions have been made for connection into community water and sanitary sewer systems or some other ADEQ- and ADWR-approved waste disposal system. Since no development has occurred, per the applicant, an additional three years would provide opportunity to obtain a formal development commitment, or provide a viable alternative means of services to the development, such as on-site water and wastewater treatment facilities. Furthermore, the applicant has cited challenges in wooing project investors in this harsh economy as another reason why the project has stalled and on-the-ground progress hasn't been achieved.

At this time, there are no considerable changes to the MDP which would require additional site analysis, so the information from the approved plan in 2008 remains relevant. However, incorporating an on-site water and wastewater facility would alter the project's design to some degree. The applicant has provided staff with a development analysis as it relates to the Copper Sky project, copies of which were provided to you. The remainder of this memorandum provides a brief background of other important facets of the project, namely water conservation and traffic and circulation.

Water

The subject properties are not located within an adopted Water Conservation Overlay District; however, all residential and non-residential uses would be required to comply with Section 1820 of the Zoning Regulations governing water conservation measures. However, the Copper Sky project has provisions for water conservation measures that go beyond those which are required by the Zoning Regulations, such as effluent re-use, low-flow appliances, hot water on demand systems, deed restrictions governing water use, xeriscaping, limitations on irrigation -- all were addressed in the comprehensive MDP analysis in 2008. In addition to the commercial and public landscaping measures stated, Copper Sky would minimize overall water use by implementing, at a minimum, the below-listed conservation measures for both commercial and residential uses. These requirements would be codified during the subdivision plat and review process. Additionally, the project would enhance ground water recharge by using storm water recharge and flood control basins throughout. Policies are listed below:

- All landscaping shall consist of low water use, drought tolerant plants as defined by the Cochise County Non-Residential Properties Category A&B Areas: Low Water Use/Drought Tolerant Plant List, unless a waiver is requested in writing by the lot owner, reviewed and approved by the Design Review Committee, and a waiver granted.
- “Water-Wise” publications and contact information will be required as a part of the sales contract to homebuyers and renters.
- In new construction, a hot water system will be installed to provide hot water on demand at the point of use in sinks and baths/showers. Recirculation devices shall include timers, temperature sensors or remote control operation.
- Evaporative coolers as a sole source of air conditioning shall be prohibited. Dual systems shall be allowed. Single-pass coolers shall not be allowed.
- Outdoor sprinkler systems shall include the installation of a rain or humidity sensor that will override the irrigation cycle of the sprinkler system when rainfall has occurred in an amount sufficient to negate the need for irrigation at the scheduled time.
- Outdoor use of groundwater on non-permeable surfaces shall be limited to maintenance purposes.

Traffic and Circulation

Primary access to the site is south from SR 80 onto S. Kings Hwy., and secondary access is provided south off of W. Puzzi Ranch Rd. S. Kings Ranch Rd. is County-maintained from SR 80 south to W. Puzzi Ranch Rd. (about 1 mile) and W. Puzzi Ranch Rd. is County-maintained eastward from S. Kings Hwy to Plantation Rd. The project site is just south of the end of the County maintained section of the road, which when constructed, was not built to County standards. A low-speed minor collector (“Copper Sky Blvd.”) would serve the development. A Traffic Impact Study was submitted by Kleingers and Associates to determine future roadway needs as they relate to the significant increase in residential housing and commercial development. The study estimates that the overall project would produce approximately 2,571 daily trips. County Staff made the following traffic and circulation-related comments that would address and mitigate the following issues:

- An overall circulation plan of the site showing roads, sidewalks, trails, parking areas and bus stops. The overall circulation plan for this site should incorporate *Safe Routes to School* features (Safe Routes to Schools is a program designed to decrease traffic and pollution and increase the health of children. The program promotes walking and biking to school through education and incentives. The program also addresses the safety concerns of parents by encouraging greater enforcement of traffic laws, educating the public, and exploring methods for creating safer streets).

- The left-turn phasing on the SR80 signal should be evaluated for installation for peak hour use earlier in the development phases than recommended in the TIA. Evaluation of the intersection need for left-turn phasing should occur after the completion of the fueling station (which has the potential of generating an estimated 1,685 daily trips).
- Lengthen the existing eastbound left turn lane and westbound right turn lane on SR80.
- Although at the present time few collisions occur in this area, this is directly related to the low traffic volumes and existing densities in the area. As the subdivision builds out traffic volumes will increase and this in turn will increase the potential for conflicts between vehicles, bicycles, and pedestrians as well as the need to accommodate existing traffic and construction related vehicles.
- Right-of-way for W. Puzzi Ranch Rd., N. Kings Hwy. and SR 80 should be identified in the Site Accessibility Analysis.
- Although a transit and/or bus system does not currently exist in the area, this development should consider the potential for one in the future. Future bus stop locations with pull-outs should be identified in the circulation plan. Travel Demand Management techniques, indicated as unwarranted on this site by this analysis are still a circulation management tool that should be considered. Given the proximity of several large employers and the intention of this subdivision to market to these existing and future employees, planning for a "bike and ride lot" and/or car-pooling queue or vanpool site, possibly partnered with a coffee shop type retail vender, could be both a unique amenity of this site and would serve to reduce vehicular traffic.
- Support for pedestrian travel should be described and enhanced throughout the site. Providing a shared-use path (separated pathway for non-motorized use) to this site would be an appropriate infrastructure feature to minimize impacts, reduce energy consumption, improve air quality and help to maintain an adequate vehicle level of service.

Summary and Recommendation

The applicant requests a three-year extension in order to make substantive progress on the Copper Sky MDP; specifically, to solidify the method of water and wastewater services and to obtain capital investment. Although little, if any, progress has been made since approval in 2008, Staff recommends *conditional approval* of this request. Three years could be considered an aggressive timeframe, as oftentimes it takes at least a year to redefine the project and obtain capital, an additional year to redesign and reengineer, and another year to obtain ADEQ and ADWR permitting. The Board may exercise a great deal of discretion; one option would be to automatically "sunset" the project if progress has not been made within the approval period.

Attachments

1. "As you are aware" letter dated 14 August 2008.
2. Correspondence from the Law Offices of Mark Lewis & Associates dated 24 November 2011.